

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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VANCE H. SMITH,

Plaintiff,

v.

ANTHONY MATUSHAK,

Defendant.

ORDER

24-cv-294-wmc

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The plaintiff, Vance H. Smith, is incarcerated by the Wisconsin Department of Corrections at the Green Bay Correctional Institution (“GBCI”). Plaintiff filed this lawsuit in Dane County Circuit Court, alleging that a correctional officer at GBCI (Lieutenant Anthony Matushak) violated his rights under federal and state law. (Dkt. #1-1, at 4-19.) Defendant Matushak timely removed the case to this court on May 6, 2024. (Dkt. #1). Shortly thereafter, plaintiff filed a motion for a change of venue, asking the court to transfer this case to the Eastern District of Wisconsin. (Dkt. #3.)

This lawsuit concerns conditions of confinement at GBCI, which is in Brown County. Brown County is within the territorial jurisdiction of the Eastern District of Wisconsin. 28 U.S.C. § 130(a). Invoking 28 U.S.C. § 1404(a), plaintiff seeks a transfer of venue to the Eastern District because his claims arose at GBCI, where both parties, the evidence, and the witnesses are located. Under § 1404(a), a court may transfer a case for the convenience of parties and witnesses, in the interest of justice, to any other district or division in which the case might have been brought. Because both plaintiff and defendant are located in Brown County, where a substantial part if not all of the events or omissions giving rise to the claims occurred, venue is proper in the Eastern District of Wisconsin.

28 U.S.C. § 1391(b). Defendant has not filed a response to the motion, but it does not appear that he will be prejudiced in any way by the change in venue. Therefore, in the interest of justice and for the convenience of the parties and witnesses, the court will grant plaintiff's motion and transfer this case.

ORDER

IT IS ORDERED THAT:

1. Plaintiff's motion to transfer venue (dkt. #3) is GRANTED.
2. The Clerk of Court shall transfer this case to the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1404(a).
3. The parties shall file all further pleadings and correspondence related to this case in the Eastern District of Wisconsin once they receive notice of the new civil action number.

Entered this 14th day of June, 2024.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge